

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROBERT G. COLE,

Defendant.

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Case No. _____

COMPLAINT

Plaintiff Securities and Exchange Commission (the “Commission”) alleges:

SUMMARY

1. This case involves illegal insider trading by Robert G. Cole (“Cole”) in the securities of Diebold, Inc. (“Diebold”), a public company that manufactures and sells automated teller machines (“ATMs”), bank security systems, and electronic voting terminals. In September 2005, Cole, then a regional sales representative for Diebold, made over \$500,000 in illegal profits by using material, nonpublic information concerning revenue and order shortfalls at Diebold to engage in highly-leveraged transactions in Diebold securities. Specifically, on September 15, 2005, shortly after learning from his sales manager that revenues and orders in the company’s North American regional bank business were significantly below target, Cole began purchasing hundreds of soon-to-expire Diebold put option contracts anticipating that Diebold would lower its earnings forecasts and the price of Diebold stock would fall.

2. On September 21, 2005 – one day after Cole completed purchasing the Diebold put option contracts – Diebold announced that it was lowering its earnings forecasts primarily

